

Notice of Allowability

Application No.

10/644,235

Applicant(s)

GILL ET AL.

Examiner

Nathan Curs

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment of 1 October 2007.
2. ☒ The allowed claim(s) is/are 1-9 and 11-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JASON CHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Peter Priest on 12 December 2007.

The following specific changes have been made to the claims of 1 October 2007:

- In claim 1:
 - In lines 12-13: ...said data bar bit sequences being interposed by blocks of unasserted data bar bits...
 - In line 15: ...means for ~~controlling modulation of~~ modulating said first and second...
- Claim 2:

The apparatus of claim 1 wherein the means for ~~controlling modulation of~~ modulating said first and second electromagnetic radiation signals and the ~~means for controlling modulation of said second electromagnetic radiation signal~~ employs a common control signal time shifted differently by said means for ~~controlling modulation~~ for at least one of the first and second electromagnetic radiation signals.
- Claim 10 has been canceled.
- Claim 11:

The apparatus of claim 1 in which said means for ~~controlling modulation~~
of modulating said first and second electromagnetic radiation signals using
~~information provided by with said source signal to shift the phase of said~~
~~alternate data bit sequences~~ comprises [[a]] first and second phase modulators.

- Claim 12:

The apparatus of claim 11 ~~comprising means~~ in which the means for
modulating is adapted to simultaneously shift the phases of said alternate data
bit sequences and of said alternate data bar bit sequences by directing
modulation of said first and second electromagnetic radiation signals using the
information provided by said source signal.

- In claim 15:

- In lines 4-5: ...to generate streams of asserted and unasserted non return
to zero coded data bits; ...
- In line 7: ...blocks of the asserted non return to zero coded data bits...
- In line 8: ...blocks of the unasserted data bits...
- In lines 12-13: ...each of said data bar bit sequences being interposed by
blocks of unasserted data bar bits representing said asserted data bits; ...
- In line 15: ...modulating said first electromagnetic radiation signal using
information provided by said source signal...
- In line 17: ...modulating said second electromagnetic radiation signal
using information provided by said source signal...

- Claim 16:

The method of claim 15 further comprising: utilizing a common control signal time shifted for at least one of the modulating steps differently in said modulating said first and second electromagnetic radiation signal.

- In claim 22:
 - In line 2: ...said first and second electromagnetic radiation signals with said information provided by said source signal...

Conclusion

2. Any inquiry concerning this communication from the examiner should be directed to N. Curs whose telephone number is (571) 272-3028. The examiner can normally be reached on M-F (from 9 AM to 5 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached at (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (800) 786-9199.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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